



STATUS AND  
BRANCH  
**PATENT APPLICATION**

2004 MAY 17 PM 12:44

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ibraheem BADEJO et al.

Group Art Unit: 1654

Application No.: 09/964,415

Examiner: P. PATTEN

Filed: September 28, 2001

Docket No.: 108773

For: ADHESIVE COMPOSITIONS CONTAINING DUAL FUNCTION STABILIZERS  
AND ACTIVE AGENTS

PETITION UNDER 37 C.F.R. §1.181(a) TO WITHDRAW HOLDING OF  
ABANDONMENT

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

Applicants hereby Petition that the holding of Abandonment, mailed May 5, 2004, be withdrawn as having been improperly made. Because the holding of Abandonment by the Examiner was improper, it should be withdrawn, and the present application should be reinstated to pending status and examination continued.

I. Statement of Facts

1. A Notice of Abandonment was mailed on May 5, 2004, holding the present application abandoned for failing to respond to the October 2, 2003, Office Action. However, because Applicants timely filed a response, as well as a Notice of Appeal, the abandonment is improper.

2. On October 2, 2003, a Final Rejection was mailed for the above-identified application.

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JUN 21 2004  
TECH CENTER 1600/2900

3. Applicants timely filed an Amendment After Final Rejection, which was hand-delivered to the Examining Group, on December 30, 2003. See the attached copy of the Amendment After Final Rejection and the date-stamped receipt.

4. Since the original filing of the Amendment After Final Rejection on December 30, 2003, Applicants' undersigned representative has taken numerous steps to obtain prompt entry and examination of the Amendment. Because the original submission had not yet been matched with the application file, Applicants again hand-carried a copy of the Amendment After Final Rejection to the Examining Group on January 28, 2004. See the attached copy of Resubmission of Amendment and date-stamped receipt.

5. In the absence of any action by the Patent Office, Applicants' representative telephoned the Examiner on February 11 and 17, 2004. The Examiner indicated that the application file was indicated to be in Central Files, but that the Amendment was not entered in the system.

6. Applicants again (for a third time) hand-carried a copy of the Amendment After Final Rejection to the Examining Group on February 26, 2004. See the attached Resubmission of Amendment After Final Rejection and date-stamped receipt.

7. Continued monitoring of the PAIR database throughout the period from December 30, 2003 to April 2, 2004, indicated that neither the original Amendment nor any of the Resubmissions have been entered into the application file.

8. Despite Applicants' repeated attempts at submitting and resubmitting the Amendment, no action has been taken by the Patent Office and no Advisory Action has been issued. Applicants were thus forced to file a Notice of Appeal and Petition for Extension of Time on April 2, 2004. See the attached copies of the Notice of Appeal to the Board of Patent Appeals and Interferences and Petition for Extension of Time and date-stamped receipt.

9. Along with the Notice of Appeal and Petition for Extension of Time, Applicants filed a Petition for Refund, requesting that the full fees for the Notice of Appeal and Petition for Extension of Time be refunded to Applicants, based on the delay by the Patent Office. See the attached Petition for Refund.

II. Discussion

In view of the above facts, it is clear from the record that the holding of Abandonment was improper, and must be withdrawn. Applicants timely filed a response to the October 2, 2003, Office Action, and timely filed a Notice of Appeal and Petition for Extension of Time on April 2, 2004.

III. Relief Requested

For the foregoing reasons, Applicants request that the holding of Abandonment be withdrawn, and the present application reinstated to pending status and examination continued.

Further, because of the long Patent Office delay present in this application, and because Applicants are now one month into the two-month period for filing an Appeal Brief, Applicants request that the finality of the previous Office Action be withdrawn, and a new Office Action issued, so that Applicants do not need to file an Appeal Brief at this time.

Because the holding of abandonment was an error by the Patent Office, no Petition Fee is believed to be due. However, the Commissioner is hereby authorized to charge any additional fee or credit any overpayment associated with this communication to Deposit Account No. 15-0461.

If there are any questions regarding this Petition in particular, or this application in general, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



William P. Berridge  
Registration No. 30,024

Joel S. Armstrong  
Registration No. 36,430

WPB:JSA

Attachments:

12/30/03 Amendment After Final Rejection  
12/30/03 PTO stamped receipt  
1/28/04 Resubmission of Amendment  
1/28/04 PTO stamped receipt  
2/26/04 Resubmission of Amendment After Final Rejection  
2/26/04 PTO stamped receipt  
4/2/04 Notice of Appeal to the Board of Patent Appeals and Interferences  
and Petition for Extension of Time  
4/2/04 Petition for Refund  
4/2/04 PTO stamped receipt

Date: May 11, 2004

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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STATUS AND INFO  
BRANCH

**PATENT APPLICATION**

RE: MAY 17 PM 12:45 RESPONSE UNDER 37 CFR §1.116  
EXPEDITED PROCEDURE  
TECHNOLOGY CENTER 1654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ibraheem BADEJO et al.

Group Art Unit: 1654

Application No.: 09/964,415

Examiner: P. PATTEN

Filed: September 28, 2001

Docket No.: 108773

For: ADHESIVE COMPOSITIONS CONTAINING DUAL FUNCTION STABILIZERS  
AND ACTIVE AGENTS

**PETITION FOR REFUND**

**RECEIVED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

JUN 21 2004

TECH CENTER 1600/2900

Sir:

It is respectfully requested that the fees paid for the Petition for Three-Month Extension of Time and Notice of Appeal submitted in reply to the October 2, 2003, Action be refunded.

On October 2, 2003, a Final Rejection was mailed for the above-identified application. Applicants timely filed an Amendment After Final Rejection, which was hand-delivered to the Examining Group on December 30, 2003. See the attached date-stamped receipt. For a period of now over three (3) months, the Amendment After Final Rejection remained in the Patent Office without being logged in or matched to the file. According to the undersigned's check of the PAIR system today, the Amendment remains unmatched with the file, and is still not entered in the Patent Office system.

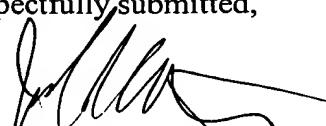
Since the original filing of the Amendment After Final Rejection on December 30, 2003, Applicants' undersigned representative has taken numerous steps to obtain prompt entry and examination of the Amendment.

Because the original submission had not yet been matched with the application file, Applicants again hand-carried a copy of the Amendment After Final Rejection to the Examining Group on January 28, 2004. See the attached Resubmission of Amendment and date-stamped receipt. In the absence of any action by the Patent Office, Applicants' representative telephoned the Examiner on February 11 and 17, 2004. The Examiner indicated that the application file was indicated to be in Central Files, but that the Amendment was not entered in the system. Thus, Applicants again (for a third time) hand-carried a copy of the Amendment After Final Rejection to the Examining Group on February 26, 2004. See the attached Resubmission of Amendment After Final Rejection and date-stamped receipt. Continued monitoring of the PAIR database throughout the period from December 30, 2003 to April 2, 2004, indicated that neither the original Amendment nor any of the Resubmissions have been entered into the application file.

Accordingly, despite Applicants' repeated attempts at submitting and resubmitting the Amendment, no action has been taken by the Patent Office and no Advisory Action has been issued. Applicants timely submitted the Amendment prior to expiration of the three month shortened statutory period, and no action has been taken by the Patent Office during the entire three month extension of that shortened statutory period. Applicants were thus forced to file a Notice of Appeal and Petition for Extension of Time, at a cost of \$950.00 in extension fees and \$330.00 in Notice of Appeal fees (for a total cost of \$1,280.00), in order to maintain the pendency of the application. Applicants incurred all of these expenses solely because of Patent Office delay.

Accordingly, it is respectfully requested that \$1,280 be refunded to Deposit Account No. 15-0461 and that the Patent Office acknowledge this credit in writing.

Respectfully submitted,



William P. Berridge  
Registration No. 30,024

Joel S. Armstrong  
Registration No. 36,430

WPB:JSA

Attachments:

Amendment After Final Rejection filed December 30, 2003  
PTO stamped receipt for filing of papers dated December 30, 2003  
Resubmission of Amendment  
PTO stamped receipt for filing of papers dated January 28, 2004  
Resubmission of Amendment After Final Rejection  
PTO stamped receipt for filing of papers dated February 26, 2004

Date: April 2, 2004

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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**PTO RECEIPT FOR FILING OF PAPERS**

► Mail Room Regular Delivery)

**The following papers have been filed:**

Notice of Appeal to the Board of Patent Appeals and Interferences and Petition for Extension of Time w/check #152794 \$1,280 and Petition for Refund and the following attachments: Amendment After Final Rejection filed December 30, 2003; PTO stamped receipt for filing of papers dated December 30, 2003; Resubmission of Amendment; PTO stamped receipt for filing of papers dated January 28, 2004; Resubmission of Amendment After Final Rejection; and PTO stamped receipt for filing of papers dated February 26, 2004

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**Name of Applicant:** Ibraheem BADEJO et al.

**Serial No.:** 09/964,415

**Atty. File No.:** 108773

**Title (New Cases):**

**Sender's Initials:** WPB:JSA/ldg

*234/33*

**PATENT OFFICE DATE STAMP**



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AND RETURNED BY MESSENGER**